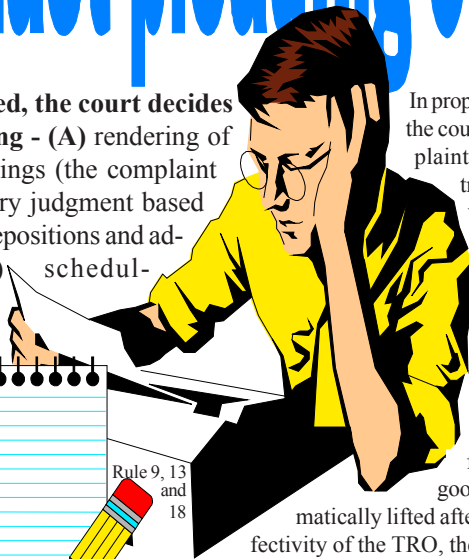
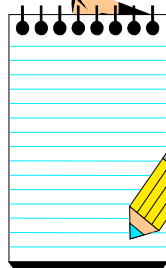


After the last pleading or motion

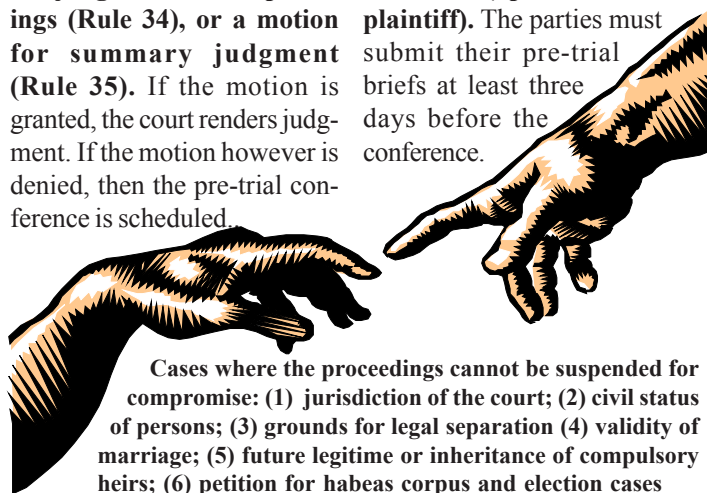
After the last pleading is filed, the court decides on either one of the following - (A) rendering of judgment based on the pleadings (the complaint and the answer), or a summary judgment based on the pleadings, affidavits, depositions and admissions of the parties; or (B) scheduling of the pre-trial conference upon motion of the plaintiff. (Personal service of the pleading is preferred. If it is either filed or served through registered mail, it must contain an explanation why personal service was not resorted to, Rule 13, Section 11.)



In proper cases, the plaintiff may ask the court, upon the filing of the complaint, to issue a temporary restraining order (TRO) and/or writ of preliminary injunction, requiring a party to either refrain from doing something or to perform a particular act. Within 24 hours after receiving the records of the case and/or the sheriff's return, the trial judge must grant or deny the application for a TRO. If granted, it is good only for 20 days and is automatically lifted after such period. During the effectivity of the TRO, the court may hear the petition for a writ of preliminary injunction. If granted, it is effective for the terms and conditions specified by the court.

A
The plaintiff files a motion for judgment on the pleadings (Rule 34), or a motion for summary judgment (Rule 35). If the motion is granted, the court renders judgment. If the motion however is denied, then the pre-trial conference is scheduled.

B
The pre-trial conference is scheduled (upon motion of the plaintiff). The parties must submit their pre-trial briefs at least three days before the conference.



Cases where the proceedings cannot be suspended for compromise: (1) jurisdiction of the court; (2) civil status of persons; (3) grounds for legal separation (4) validity of marriage; (5) future legitime or inheritance of compulsory heirs; (6) petition for habeas corpus and election cases

Suspension of proceedings
 Mediation is now compulsory for all civil cases, settlement of estates, and cases under Summary Procedure, (except those which by law cannot be compromised), civil aspect of BP 22 cases, etc. Upon payment of mediation fees, the parties, assisted by a mediator, try to settle the case. The proceedings in the case are suspended for 30 days, extendible for another 30 days. This is to allow the parties sufficient time to reach a compromise agreement and end the case.